

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

JOE L. STRONG,

Plaintiff

VS.

PINE BLUFF POLICE DEPARTMENT;
OFFICERS WEIGAN, VILCHES, and
BELVIDERE,

Defendants

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NO: 5:08CV00226 SWW

Memorandum Opinion and Order

On August 14, 2008, Plaintiff Joe E. Strong commenced this lawsuit *pro se*. Along with the complaint, Strong filed an application to proceed *in forma pauperis*. After careful review, and for the reasons that follow, the Court finds that the complaint is frivolous and should be dismissed and that the motion to proceed *in forma pauperis* should be denied as moot.

Plaintiff brings this action pursuant to [42 U.S.C. § 1983](#) alleging defendants violated his civil rights. He states the following facts in support of his claims:

THIS IS A CLAIM AGAINST THEM FOR SLANDER, DEFLAMTION [sic] OF CHARACTER, PUNITIVE DAMAGES, RACIAL PROFILING, LOST [sic] OF WAGES. I WAS PLACED IN THE MEDIA (NEWSPAPER & TELEVISION) UNDER FALSE ACCUSATIONS BY THE POLICE DEPARTMENT MORE THAN THREE TIMES. I HAVE HAD SEVERAL BUSINESSES THAT WOULD HAVE BEEN SUCCESSFUL BUT DO [sic] TO THE FACT THAT PINE BLUFF POLICE DEP AND THERE [sic] FALSE REPORTS IT WAS NOT SO. ON JULY 3 TH [sic] 2007 THERE WAS A REPORT PLACED IN THE MEDIA THAT I HAD TOOK MONEY FROM THIS LADY AND OTHER PEOPLE AND DID NOT GIVE THEM THE PROPER SERVICES. ON JULY 26 2008 I WAS PLACED IN THE MEDIA ABOUT [sic] ANOTHER BUSINESS THEY SAID WAS NOT LEGAL IN BOTH CASES THERE WERE UNTRUE ACCUSATION AND FALSEFIED [sic] DOCUMENTS MADE TO THE

MEDIA. I WAS NEVER CHARGED WITH ANYTHING THEY SAID NEVER EVEN QUESTIONED.

Comp., Docket entry 2.

The Eighth Circuit has instructed that a determination of whether a complaint is frivolous or malicious precedes the decision of whether to grant *in forma pauperis* status and whether to order service of process. See *Carney v. Houston* 33 F.3d 893, 895 (8th Cir. 1994)(quoting *Gentile v. Missouri Dept. Of Corrections*, 986 F.2d 214 (8th Cir. 1993)). “If the complaint is frivolous or malicious, the district court should dismiss it out of hand.” *Id.* A complaint is frivolous where it lacks an arguable basis either in law or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325-27 (1989).

Defamation and slander are not valid claims under 42 U.S.C. § 1983. *Miner v. Brackney*, 719 F.2d 954, 955-56 (8th Cir.1983). Furthermore, the Pine Bluff Police Department is not an entity subject to suit. See *Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 82 (8th Cir.1992). Further, plaintiff fails to allege how the individual defendants were personally involved in or responsible for violating his rights.

Plaintiff’s claims have no legal basis under 42 U.S.C. § 1983. Accordingly, the complaint is frivolous and will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

IT IS THEREFORE ORDERED that the complaint is dismissed as frivolous, and plaintiff’s motion to proceed *in forma pauperis* (docket entry #1) is denied as moot. Pursuant to the judgment entered together with this order, this action is dismissed with prejudice.

DATED this 22nd day of August 2008.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE